

Statement of
Joel Holtrop
Deputy Chief, National Forest System
U.S. Forest Service
United States Department of Agriculture

Before the
Subcommittee on Public Lands and Forests
Energy and Natural Resources Committee
United States Senate

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Concerning

S. 1802, Idaho Wilderness Boundary Modification Act of 2007;
S. 1939, Santa Fe National Forest Title Claim Resolution Act, and;
S. 2034, Copper Salmon Wilderness Act

Mr. Chairman and members of the committee, I appreciate the opportunity to appear before you to provide the Department's views on the bills which are on the agenda today.

S. 1802, Idaho Wilderness Boundary Modification Act of 2007

This bill would adjust the boundaries of the Frank Church River of No Return Wilderness and provide authorization for a land ownership adjustment to resolve conflicts related to unauthorized improvements.

The Department would support the bill if amended to correct the survey description and provide for a more appropriate manner in which to resolve the associated land issues.

The Diamond D Ranch consists of three separate parcels of private land located in the Challis National Forest and surrounded by the Frank Church River of No Return Wilderness near Stanley, Idaho. In 2001, a boundary survey identified several unauthorized improvements associated with the ranch on National Forest System lands, including a portion of a water diversion and transmission pipeline in the designated wilderness area. Most of the unauthorized improvements, which also include fences, roads, and borrow pits, predate wilderness designation. The ranch owner has offered to enter into negotiations with the Forest Service to effect an exchange of the lands containing unauthorized improvements for other interests that could be more desirable for National Forest management.

The wilderness configuration in this vicinity is an approximately 10.2 acre triangular shaped area between two private parcels. Due to the adjacency of private lands and the unauthorized improvements, this area lacks the characteristics normally associated with designated wilderness. The bill would retract the wilderness boundary to exclude the 10.2 acres and expand the wilderness boundary to add approximately the same acreage to the wilderness in a nearby location. This would adjust the Frank Church River of No Return Wilderness with no net loss of designated wilderness, while improving its overall wilderness characteristics.

In addition, through a waiver of qualifying criteria, the bill would give the Secretary the discretion to use the Small Tracts Act (P.L. 97-465) in order for the Forest Service to address the unauthorized improvements.

The Department supports the bill's goals of improving wilderness characteristics while resolving long standing land management issues. However, as written, the bill contains technical errors in the survey description of the lands proposed to be excluded and included in the wilderness. It also contains a technical error in the description of the lands that would be subject to the waiver of the Small Tracts Act acreage requirement. In addition, the Department would prefer to use a different land adjustment authority than the Small Tracts Act, which is not appropriate to this situation.

The Department would like to work with the bill's sponsor and the committee to make these technical corrections and provide for a more appropriate land adjustment authority. We will support the bill with these amendments and appreciate the opportunity to enhance the Frank Church River of No Return Wilderness.

S. 1939, Santa Fe National Forest Title Claim Resolution Act

S. 1939 would authorize and direct the Forest Service to quitclaim approximately 6.20 acres of Federal land to Ramona and Boyd Lawson in satisfaction of a longstanding land title claim.

The Department supports the enactment of this bill.

The land in question is in the Santa Fe National Forest and within the boundaries of the Pecos Wild and Scenic River. The Lawsons are successors to a land patent issued in 1888 and they claimed that a government survey of the patented land had erroneously excluded about 12 acres where their house and outbuildings were located.

There were sufficient legal and factual issues in dispute between the government and the Lawsons that this matter could have ended up in court. However, the parties worked out a solution that is simple and equitable, saving considerable time and expense for all. The Lawsons and the Forest Service agreed to limit the area of the claim to 6.2 acres which covers the land the Lawsons are actually occupying and using. In turn, the Lawsons have agreed to convey to the Forest Service a conservation easement on the property to protect

wild and scenic river values, and to release the government from future claims. S. 1939 will authorize the Forest Service to implement this agreement and thereby allow the Lawsons the quiet enjoyment of their home while, at the same time, preserving the scenic and natural environs of the Pecos Wild & Scenic River.

S. 2034, Copper Salmon Wilderness Act

This bill would designate approximately 13,700 acres of the Rogue River-Siskiyou National Forest as wilderness and designate segments of the North and South Forks of the Elk River as additions to the existing Elk Wild and Scenic River.

The Department supports this bill, but requests some important adjustments to the wilderness boundary. These adjustments would provide for better separation of motorized use from the wilderness, allow for road maintenance activities within road clearing limits (such as ditch cleaning and culvert and bridge maintenance), as well as to accommodate treatments of plantations that would improve forest health and habitat diversity while increasing firefighter safety.

The wilderness proposal comprises 13,700 acres of rugged forested land surrounding Copper Mountain, Barklow Mountain, and Salmon Mountain adjacent to the Grassy Knob Wilderness. It contains vast stands of Douglas fir and relatively rare native Port Orford cedar trees. About ten percent of the proposed wilderness area is designated in the Siskiyou National Forest Plan as a “Supplemental Resource Area”, considered highly productive habitat for wildlife and fish, critical for the maintenance of watershed condition, and with special recreation values. Lands within the proposed wilderness are primarily allocated as Late Successional Reserves (LSR) under the Northwest Forest Plan. LSRs are designed to serve as habitat for old growth-related species. This LSR allocation includes 2,267 acres of previously managed overstocked Douglas fir plantations.

Using perimeter forest roads as the boundary designation would likely lead to unintended incursions of motorized vehicles and mechanized equipment into the wilderness. In addition most of the plantations adjacent to forest roads that comprise a portion of the wilderness boundary (about 1,000 acres) were included in the Coastal Healthy Forest Environmental Analysis signed in 2007. Treatment of these stands would improve habitat conditions for fish and wildlife, reduce effects from insects and disease, and provide defensible space for firefighters in the event of a wildfire, consistent with their allocation as Late Successional Reserve (LSRs). Wilderness designation would preclude this treatment.

The proposed wilderness includes about nine miles of designated roads. All but two of those road miles are currently closed to vehicular traffic; however, these roads are highly engineered up steep slopes, with significant cuts and fills, culverts, and other constructed features. If the area is designated as wilderness, the forest would consider converting some of these roads into hiking and equestrian trails to improve access, but most would

require decommissioning to protect water quality and fisheries resource values. This would require heavy equipment to remove culverts and contour the land to reduce erosion, as well as significant investment.

The Department would like to work with the bill's sponsor and the committee to offset the wilderness boundary inward along perimeter roads to implement planned treatments within a reasonable distance of the road, provide for routine road maintenance, and to decrease the likelihood of incompatible motorized use in wilderness. We also request that the bill include the date of the map referencing the intended wilderness configuration.

The bill would designate segments of the North and South Forks of the Elk River as additions to the existing Elk Wild and Scenic River. The Rogue River-Siskiyou National Forest completed an extensive wild and scenic river inventory and, while both tributaries are free-flowing, neither was judged to have an outstandingly remarkable value. Nevertheless, in recognition of the value of managing the Elk River as a system that contributes to one of the most important and valuable runs of anadromous fish in coastal Oregon, the Department does not oppose the proposed additions in this bill.

Mr. Chairman and members of the committee, this concludes my testimony. I am happy to answer any questions you may have at this time.